REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Initially the undersigned would like to thank Examiner Hoffmann for the courtesies extended during a personal interview held with the undersigned on November 17, 2004. At the above noted personal interview all of the outstanding rejections under 35 U.S.C. 112 were discussed and agreement was reached as to how to amend the claims so as to overcome same. The only rejection under 35 U.S.C. 112 which remained outstanding as a result of the oral hearing was the objection vis-à-vis the language "temporally decoupled". This phrase appeared in new independent claim 35 previously submitted. By the instant amendment Applicants have cancelled claims 35-40 thereby rendering the rejection under 35 U.S.C. 112 moot. Be that as it may, Applicants wish to point out to the examiner that the term "temporally decoupled" means that the digitizing of the waxed model and machining of the blank take place at different times, i.e., the digitizing result is stored for further use in the process. The processes of digitizing and machining are decoupled in time and do not take place in the same time frame. This is different to the case of a pentagraph. It is believed that the foregoing will clarify the meaning of the term. However, independent claim 35, which was based on the allowed

European claims, has now been cancelled, without prejudice, as it is believed that claims 16-34 as amended or succinctly defined the invention of the present invention in accordance with U.S. practice.

With regard to amended claims 16-34, Applicant respectfully traverses the examiner's rejection of these claims over U.S. Patent 6,106,747 for the reasons set forth hereinbelow.

It should be noted that U.S. Patent 6,106,747 was first applied as a reference against the claims in the instant application by Examiner Fiorilla on March 14, 2002. Applicants filed an amendment in June of 2002 presenting claims which were of a scope similar to the scope of the claims as currently pending. In addition, Applicants presented arguments in traversing the rejection of the amended claims under 35 U.S.C. 103 over the 6,106,747 patent. As a result of this amendment filed in June of 2002, the rejection of the claims based on the '747 patent was withdrawn. In this regard see Examiner Fiorilla subsequent action of October, 2002. Accordingly, it is respectfully submitted that this reference, U.S. Patent 6,106,747 has been previously considered and the claims as pending distinguish over this reference for the reasons set forth in Applicant's amendment of June, 2002, which amendments are incorporated herein by reference.

For the sake of completeness, Applicant presents the arguments for patentability of the claims as presented over the '747 patent. The claims as currently pending clearly set forth a process which includes calculating an enlargement factor which is extremely precise as indicated for example on the last line of Page 9 of the instant specification. The determination of the enlargement factor is in accordance with the claimed formulation. As previously noted, and concurred by Examiner Fiorilla, U.S. Patent 6,106,747 does not teach, disclose, suggest or render obvious the determining step for the enlargement factor of the claims as pending. While the '747 patent does broadly suggest an enlargement factor, the particular mechanisms for determining the enlargement factor of the '747 patent is not disclosed and, as evidenced by the Table in column 5 of the '747 patent, the resulting enlargement factor is relatively primitive and not specific to the same degree as the now claimed determining step. The determination of enlargement factor in accordance with the present invention leads to a very precise factor number which ultimately leads to a very precise artificial tooth substitute to be fitted onto a prepared dental stump. The determination of the enlargement factor in accordance with the process of the present invention is not taught or suggested by the '747 patent. The process of the present invention clearly sets forth a critical step for

determining an enlargement factor which leads to a beneficial result and this step and the result obtained therefrom is not at all suggested by the '747 patent. When reading the '747 patent in its entirety it is clear that the object of the invention of the '747 patent is to try to solve a problem with warping. The approach taken by the '747 patent is to support the "tooth" during the final sintering step with a supporting working stump which is produced from chips during milling. Using water and some other ingredients, these chips and power of the ceramic material is made into a paste to produce a product. The inventor assumes that the paste will have the same shrinkage that a green pre-sintered product would have. The assumption is incorrect as the paste will have a different density than the green or pre-sintered product. Thus, the shrinkage factor which is determined is rather crude. As noted above, this can be seen from the Table in column 5 of the '747 patent. There is, from the Table, no relation given between the characteristics of the blank to the enlargement factor. The Table gives a number of approximate enlargement factors. However, these approximate enlargement factors set forth in the '747 patent do not take into consideration density (which is extremely important in determining an enlargement factor) would lead to a very poor product. In accordance with the process of the present invention, the determination of the enlargement factor takes

into account the critical features of density and, therefore, leads to a far superior product as a result of the accuracy of the calculated enlargement factor.

For the foregoing reasons, and the reasons set forth in Applicants' previous amendment of June, 2002, it is submitted that the claims as pending patentably define over the '747 patent and an early indication of same is respectfully requested.

In conclusion, it is submitted that all of the claims as pending comply with the formal requirements of 35 U.S.C. 112, second paragraph and patentably define over the cited art of record under 35 U.S.C. 103 and an early indication of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

Frank Filser et al.

By _____

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Date: December 1, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on December 1, 2004.

Rachel Piscitelli